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Attorney for Plaintiffs-Appellants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

K. N. individually and on behalf of her
minor child, G.N.,

Plaintiffs-Appellants,

vs.

STATE OF HAWAII, DEPARTMENT
OF EDUCATION and KATHRYN
MATAYOSHI, in her official capacity
as Superintendent of the Hawaii Public
Schools,

Defendants-Appellees.

Civil No. _____
(Other Civil Action)

**PLAINTIFFS-APPELLANTS
COMPLAINT; SUMMONS IN A
CIVIL MATTER**

COMPLAINT

Plaintiff-Appellants M.M., individually and on behalf of her minor child, J.M., (“Student” or collectively “Appellants”) by and through their attorneys, hereby allege and aver as follows:

I. INTRODUCTION

1. On November 25, 2013, an administrative hearing was terminated that was brought under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§1400, *et seq.*; 34 C.F.R. 300.1, *et seq.*; Hawaii Administrative Rules (“HAR”) Chapter 8-60; and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 regarding Plaintiffs-Appellants allegations.
2. This matter was identified as DOE-SY1213-059.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction in this action pursuant to 20 U.S.C. § 1415(i)(2) and H.A.R. § 8-60-70(a).
4. This action arose in the District of Hawaii, and venue is proper in Hawaii.

III. PARTIES

5. Plaintiff-Appellants K.N. and G.N. are residents in the City and County of Maui, State of Hawaii. K.N. is the natural parent of G.N., who is a minor

born on October 04, 1999, and who has been certified as eligible for special education in the State of Hawaii, and is entitled to a free appropriate public education (“FAPE”) under the IDEA, 20 U.S.C. sec. 1401 et seq.

6. Defendant-Appellee is Department of Education, a political subdivision and the educational agency of the State of Hawaii, which implements the State’s Special Education Program pursuant to the IDEA, and Kathryn Matayoshi, who is sued in her official capacity as the superintendent of the Hawaii Public Schools or DOE. The DOE is a political subdivision of the State of Hawaii, which implements the State’s special education programs pursuant to the IDEA.

IV. FACTUAL ALLEGATIONS

7. Plaintiffs-Appellants are entitled to reasonable attorneys’ fees and costs under the settlement agreement between the parties, in this matter.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Appellants pray that this Court find and order as follows:

8. Receive and review the records of the administrative hearing which was the subject of the decision;

9. Hear additional evidence as requested by Plaintiff-Appellants;
10. Uphold the settlement agreement in this matter;
11. Order the Defendant-Appellees to pay attorney's fees related to Plaintiff-Appellants' claims brought under the IDEA for the administrative proceeding and this agency appeal under applicable law; and
12. Grant such other relief deemed just and necessary by this court.

DATED: Honolulu, Hawaii, November 25, 2015.

s/ Keith Peck
KEITH H.S. PECK

Attorney for Plaintiffs-Appellants

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STATE OF HAWAII, DEPARTMENT
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SUMMONS IN A CIVIL MATTER

SUMMONS IN A CIVIL MATTER

TO THE DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon
Plaintiffs-Appellants' counsel, KEITH H.S. PECK, whose address is: Pioneer
Plaza, 3360 Kamaaina Place Honolulu, Hawaii 96817, an answer to the Complaint
which is attached. This action must be taken within twenty-one (21) days after
service of this summons upon you, exclusive of the date of service.

This summons shall not be personally delivered between 10:00 p.m.
and 6:00 a.m. on premises not open to the general public, unless a judge of the

above-entitled court so permits in writing on this summons personal delivery during those hours.

If you fail to make your answer within the twenty-one (21) day time limit, judgment by default will be taken against you for the relief demanded in the Complaint.

DATED: Honolulu, Hawaii, _____.

CLERK OF THE ABOVE-ENTITLED COURT